

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 5951  
Californians for Change f/k/a )  
Californians for Obama and Kinde )  
Durkee, in her official capacity as )  
treasurer; Emmett Cash III )

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on December 03, 2008, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to pass a motion to:
  - a) Find reason to believe that Californians for Change f/k/a Californians for Obama and Kinde Durkee, in her official capacity as treasurer, violated 2 U.S. C. §§ 432(e)(4) and 441d(a).
  - b) Find reason to believe that Californians for Change f/k/a Californians for Obama and Kinde Durkee, in her official capacity as treasurer, violated 2 U.S.C. § 441h(b) by willfully and knowingly participating in, or conspiring to participate in, a plan, scheme or design to engage in fraudulent solicitation.
  - c) Find reason to believe that Emmett Cash III violated 2 U.S.C. § 441h(b) by willfully and knowingly participating in, or conspiring to participate in, a plan, scheme or design to engage in fraudulent solicitation.
  - d) Authorize the use of compulsory process.
  - e) Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated March 21, 2008.
  - f) Approve the appropriate letters.

Commissioners Bauerly, Wether, and Weintraub voted affirmatively for the motion. Commissioners Hunter, McGahn II, and Petersen dissented.

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2. Decided by a vote of 6-0 to:

- a) Find reason to believe that Californians for Change f/k/a Californians for Obama and Kinde Durkee, in her official capacity as treasurer, violated 2 U.S. C. §§ 432(e)(4) and 441d(a).
- b) Find reason to believe that Californians for Change f/k/a Californians for Obama and Kinde Durkee, in her official capacity as treasurer, violated 2 U.S.C. § 441h(b) by willfully and knowingly participating in, or conspiring to participate in, a plan, scheme or design to engage in fraudulent solicitation.
- c) Find reason to believe that Emmett Cash III violated 2 U.S.C. § 441h(b) by willfully and knowingly participating in, or conspiring to participate in, a plan, scheme or design to engage in fraudulent solicitation.
- d) Circulate compulsory process to the Commission on a 48-hour no-objection basis.
- e) Approve the Factum and Legal Analyses, as recommended in the First General Counsel's Report dated March 21, 2008.
- f) Approve the appropriate letters.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub  
voted affirmatively for the decision.

Attest:

December 4, 2008  
Date

Darlene Harris  
Darlene Harris  
Deputy Secretary of the Commission

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